

**REMARKS**

The Office Action dated January 30, 2008 has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 1-3, 5-9 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,884,719 to Schramm et al. ("Schramm") and in view of U.S. Patent No. 5,947,221 to Taniguchi et al. ("Taniguchi"). Applicants thank the Examiner for the indication of allowable subject matter with respect to claim 4. Accordingly, claims 1-9 are currently pending in the application.

Independent claim 1 recites, "[i]n a vehicle equipped with an ASR system and operating in a rear wheel drive mode, a method for adjusting the normal drive slip value of the ASR system, comprising: (a) evaluating dynamic values associated with the front wheels of the vehicle; and (b) if the dynamic values associated with the front wheels exceed a threshold value, increasing the normal drive slip value of the rear wheels." According to the Examiner, Schramm discloses an apparatus and method for controlling slip drive. More specifically, the Examiner asserts that Schramm, "discloses 'increasing the normal drive slip value' when the road surface of road [sic] with low coefficient of friction." *See* Detailed Action at 3. The Examiner does acknowledge that Schramm fails to disclose all the claimed features of claim 1. In particular, the Examiner states, "Schramm et al. does not disclose when the dynamic values associated with the front wheels exceeds a threshold value, increasing the normal drive slip of the rear wheels." *See* Detailed Action at 3.

To cure the deficiency of Schramm in an attempt reach the claimed invention and thereby render independent claim 1 as alleged obvious, the Examiner proposes to modify or combine Schramm with Taniguchi. According to the Examiner, Taniguchi "teaches a vehicular motion controlling system in which when the vehicle running on a frozen road or low friction

road, the speed of the front wheels exceeds a threshold." See Detailed Action at 3 (citing Taniguchi at col. 3, lines 43-58). The Examiner thus concludes in support of the rejection that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Schramm et al. to include the teaching as taught by Taniguchi et al. in order to control the stability of the vehicle in different driving condition." See Detailed Action at 3.

Applicants respectfully traverse. In particular, applicants submit that the Examiner has failed to establish a *prima facie* case of obviousness because (i) the Examiner has not satisfied the burden of articulating where Taniguchi shows or describes the missing features in Schramm such that their combination reaches the claimed invention as a whole; and (ii) even if Schramm was to be modified as proposed by the Examiner, such modification would change the principle operation of Schramm. MPEP 2143 & 2143.01VI.

With regard to Taniguchi, we submit that the Examiner has not articulated or identified where Taniguchi shows, describes, teaches or suggests a vehicular controlling system where, "if the dynamic values associated with the front wheels exceed a threshold value, increasing the normal drive slip value of the rear wheels." Instead, the passage cited by the Examiner, (Taniguchi, col. 3, lines 43-58) describes a breaking force in drive (rear) and driven (front) wheel control. More specifically, described is the scenario in which the road surface  $\mu$  is small such that the slip ratio becomes excessive and the engine brake is thought to be excessive. According to Taniguchi, the "slip ratio" of the drive wheel is defined as the division of the difference between the rotational speeds of the drive and driven wheels by the rotational speed of the driven wheels. See Taniguchi, col. 18. lines, 1-5. Taniguchi further describes that the braking force to the engine brake is lowered and the braking force to the driven (front) wheels

due to the brake actuator is increased so that the vehicular stability and body deceleration is increased. *See* Taniguchi, col. 3. lines, 42-50. In view of the description cited by the Examiner, applicants submit that the Examiner has not articulated where in Taniguchi a system or method is shown, described, taught or suggested in which, "if the dynamic values associated with the front wheels exceed a threshold value, increasing the normal drive slip value of the rear wheels," such that Taniguchi in combination with Schramm teaches the claimed invention as whole.

Moreover, even if Taniguchi, as the Examiner alleges, "teaches a vehicular motion controlling system in which when the vehicle running on a frozen road or low friction road, the speed of the front wheels exceeds a threshold," applicants do not see how such a teaching in combination with Schramm reaches the claimed invention as a whole. The Examiner's proposed combination still fails to reach the claimed feature of increasing the normal drive slip value of the rear wheels, "if the dynamic values associated with the front wheels exceed a threshold value." Accordingly, the Examiner has not articulated a rationale in support of the rejection that Schramm alone or in combination with Taniguchi provides some teaching, suggestion, or motivation that would have led one of ordinary skill to modify or combine the reference teaching to arrive at the claimed invention. MPEP 2143. Because the Examiner has not satisfied the Office's burden of articulating a rationale in which Schramm alone or in combination reaches the claimed invention as a whole, a *prima facie* case of obviousness cannot be established and the rejection should be withdrawn.

Notwithstanding, even if Taniguchi contained the teachings as alleged by the Examiner, modifying Schramm with Taniguchi would change the principle operation of Schramm. Schramm is directed to a method of drive slip control. According to the Summary of the Invention of Schramm, the object of the invention is to provide a determination of the desired

slip so that greater traction is provided. *See* Schramm, col. 1, lines 61-65. Schramm achieves this objective "by determining a driver's command based on at least one of gas pedal position and engine rpm's as the measured operating variable determining the desired slip as a function of the driver's command, and increasing the slip with an increasing driver's command." Schramm, col. 1, line 66 to col. 2, lines 1-3. (emphasis added). Applicants submit that Schramm is directed to driving a vehicle by increasing slip of the driven wheels so that their wheel velocity is greater than the vehicle velocity.

Unlike Schramm, Taniguchi is directed to breaking a vehicle. According to Taniguchi, "[i]n the prior art, when the engine brake is applied by releasing the throttle valve on a low-friction road such as a frozen road, the rotational speed of the drive wheels drops with respect to the vehicular body speed, and as a result, the drive wheels may slip." *See* Taniguchi, col. 1, lines 23-27. "When the drive wheels slip, there arises a phenomenon that the lateral resistant force of the drive wheels falls." Taniguchi, col. 1, lines 27-29. The Summary of Invention Section of Taniguchi states that a first object of the Taniguchi invention is "to provide a vehicular motion controlling system which can establish a sufficient deceleration of a vehicle even when an engine brake is applied to the vehicle while retaining the stability of the vehicle." *See* Taniguchi, col. 2, lines 49-54. Taniguchi further describes that "executed drive wheel control is provided to raise lateral resistant force for the drive wheel by increasing the engine output (or by reducing the slip of the drive wheels), and driven wheel control is provided to brake the driven wheels by the brake actuator such as a hydraulic brake. *See* Taniguchi, col. 3, lines 7-13 (emphasis added). Taniguchi continues:

In drive wheel control, it is preferable to reduce the braking force of the engine brake by raising the engine output.

In other words, when the engine brake is excessively effective, the engine output is raised to reduce the braking force by the engine brake, as described above. As a result, the slip of the drive wheels is lowered, thereby increasing the lateral resistant force of the drive wheels to improve the stability of the vehicle body.

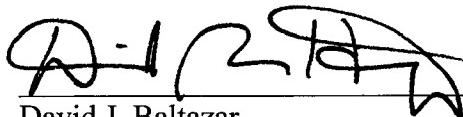
Taniguchi, col. 3, lines 30-38 (emphasis added). Because an objective of Taniguchi is to brake or reduce slip of the drive wheels and an objective of Schramm is to increase slip, applicants submit that to combine the teaching of Taniguchi with Schramm would alter the principle of operation of Schramm. “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” MPEP 2143.01VI. Accordingly, claim 1 is patentable over Schramm whether taken alone or in combination with Taniguchi. Applicants respectfully request withdrawal of the rejection. Claims 2-9 depend from claim 1 and are patentable for at least the same reason.

**CONCLUSION**

In view of the foregoing remarks, applicants respectfully requests reconsideration of this application and the prompt allowance of at least claims 1-9. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution of the application.

The Commissioner is hereby authorized by this paper to charge any fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3840. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,



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